

**Exhibit 5-E**

**GMACM Response to Silver Discovery Requests**

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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES — WEST DISTRICT  
SANTA MONICA COURTHOUSE**

FRANCINE SILVER,

**Plaintiff.**

VS.

| GMAC MORTGAGE, LLC, a limited liability  
| company,

**Defendant.**

Case No. SC118412  
Assigned for All Purposes to:  
Hon. Allan J. Goodman  
Dept. WE "P"

**GMAC MORTGAGE, LLC'S  
RESPONSES TO PLAINTIFF FRANCINE  
SILVER'S FORM INTERROGATORIES,  
SET ONE (1)**

Action Filed: September 17, 2012  
Trial Date: None Set

**PROPOUNDING PARTY:** PLAINTIFF FRANCINE SILVER

**RESPONDING PARTY:** GMAC MORTGAGE, LLC

**SET NO.:** ONE (1)

Pursuant to California Code of Civil Procedure section 2030.210, defendant GMAC,

27 MORTGAGE, LLC responds to Plaintiff Francine Silver's Form Interrogatories, Set One, as  
28 follows:

Defendant GMAC Mortgage, LLC ("GMAC"), whose discovery and investigation in this matter are continuing and not yet completed, and whose discovery responses are given without prejudice to subsequent supplementation and/or amendment as may be appropriate, responds to plaintiff's first set of Form Interrogatories, pursuant to California Code of Civil Procedure section 2030.010-2030.410, as follows:

## **FORM INTERROGATORIES**

**FORM INTERROGATORY NO. 1.1:**

8 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON**  
9 who prepared or assisted in the preparation of the responses to these interrogatories. (Do not  
10 identify anyone who simply typed or reproduced the responses.)

**11 | RESPONSE FORM INTERROGATORY NO. 1.1:**

12        Kyle Lucas, Senior Loan Analyst employed by Ocwen Financial Corporation, whose  
13 indirect subsidiary is Ocwen Loan Servicing, LLC, which is the current servicer for the  
14 beneficiary of the subject loan and the successor loan servicer to GMAC Mortgage, LLC; who  
15 may be contacted through GMAC Mortgage's counsel of record in this action.

**16 FORM INTERROGATORY NO. 3.1:**

17 Are you a corporation? If so, state:

18 (a) the name stated in the current articles of incorporation;

19 (b) all other names used by the corporation during the past ten years and the dates each

20 was used;

21 (c) the date and place of incorporation;

22 (d) the **ADDRESS** of the principal place of business;

23 (e) whether you are qualified to do business in California.

**24 | RESPONSE FORM INTERROGATORY NO. 3.J:**

25

No.

**26 | FORM INTERROGATORY NO. 3.2:**

27 Are you a partnership? If so, state:

28 (a) the current partnership name;

- 1       (b) all other names used by the partnership during the past ten years and the dates each
- 2                  was used;
- 3       (c) whether you are a limited partnership and, if so, under the laws of what
- 4                  jurisdiction;
- 5       (d) the name and **ADDRESS** of each general partner;
- 6       (e) the **ADDRESS** of the principal place of business.

7 **RESPONSE TO FORM INTERROGATORY NO. 3.2:**

8       No.

9 **INTERROGATORY NO. 3.3:**

10      Are you a limited liability company? If so, state:

- 11       (a) the name stated in the current articles of organization;
- 12       (b) all other names used by the company during the past 10 years and the date each
- 13                  was used;
- 14       (c) the date and place of filing of the articles of organization;
- 15       (d) the **ADDRESS** of the principal place of business; and
- 16       (e) whether you are qualified to do business in California.

17 **RESPONSE TO INTERROGATORY NO. 3.3:**

18      Yes.

- 19       (a) GMAC Mortgage, LLC (formerly known as GMAC Mortgage Corporation);
- 20       (b) GMAC Mortgage, LLC – 4/16/2006;  
GMAC Mortgage USA Corporation – 4/26/2006;
- 21       GMAC Mortgage, LLC of TN – 5/16/2006;
- 22       Ditech, LLC – 3/1/2006;
- 23       (c) 4/13/2006 in Delaware;
- 24       (d) 1100 Virginia Drive, Fort Washington, Pennsylvania 19034; and
- 25       (e) Yes.

1 **FORM INTERROGATORY NO. 3.4:**

2 Are you a joint venture? If so, state:  
3 (a) the current joint venture name;  
4 (b) all other names used by the joint venture during the past 10 years and the dates  
5 each was used;  
6 (c) the name and **ADDRESS** of each joint venturer; and  
7 (d) the **ADDRESS** of the principal place of business.

8 **RESPONSE TO FORM INTERROGATORY NO. 3.4:**

9 No.

10 **FORM INTERROGATORY NO. 3.5:**

11 Are you an unincorporated association? If so, state:  
12 (a) the current unincorporated association name;  
13 (b) all other names used by the unincorporated association during the past ten years  
14 and the dates each was used;  
15 (c) the **ADDRESS** of the principal place of business.

16 **RESPONSE TO FORM INTERROGATORY NO. 3.4:**

17 No.

18 **FORM INTERROGATORY NO. 3.6:**

19 Have you done business under a fictitious name during the past ten years? If so, for each  
20 fictitious name state:  
21 (a) the name;  
22 (b) the dates each was used;  
23 (c) the state and county of each fictitious name filing;  
24 (d) the **ADDRESS** of the principal place of business.

25 **RESPONSE FORM INTERROGATORY NO. 3.6:**

26 Responding party objects to the extent the request seeks information protected by the  
27 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
28 that the request seeks information that is not reasonably calculated to lead to the discovery of

1 admissible evidence. Responding party's identity is not in dispute and its use of fictitious names  
2 is not at issue in this action. Responding party further objects to this interrogatory on the grounds  
3 that it would be unduly burdensome and oppressive to require responding party to provide the  
4 requested information with respect to all fictitious names used by responding party outside of  
5 California and during the past ten years.

6 **FORM INTERROGATORY NO. 3.7:**

7 Within the past five years has any public entity registered or licensed your businesses? If  
8 so, for each license or registration:

9 (a) identify the license or registration;  
10 (b) state the name of the public entity;  
11 (c) state the dates of issuance and expiration.

12 **RESPONSE FORM INTERROGATORY NO. 3.7:**

13 Responding party objects to the extent the request seeks information protected by the  
14 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
15 that the request seeks information that is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Responding party's identity is not in dispute and its use of fictitious names  
17 is not at issue in this action. Responding party further objects to this interrogatory on the grounds  
18 that it would be unduly burdensome and oppressive to require responding party to provide the  
19 requested information with respect to all fictitious names used by responding party outside of  
20 California and during the past ten years.

21 **FORM INTERROGATORY NO. 4.1:**

22 At the time of the **INCIDENT**, was there in effect any policy of insurance through which  
23 you were or might be insured in any manner (for example, primary, pro-rate, or excess liability  
24 coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of  
25 the **INCIDENT**? If so, for each policy state:

26 (a) the kind of coverage;  
27 (b) the name and **ADDRESS** of the insurance company;  
28 (c) the name, **ADDRESS**, and telephone number of each named insured;

1       (d) the policy number;

2       (e) the limits of coverage for each type of coverage contained in the policy;

3       (f) whether any reservation of rights or controversy or coverage dispute exists between

4                          you and the insurance company;

5       (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.

**6 | RESPONSE FORM INTERROGATORY NO. 4.1:**

7 Responding party objects to the extent the request seeks information protected by the  
8 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
9 that the request seeks information that is not reasonably calculated to lead to the discovery of  
10 admissible evidence. Responding party further objects that the term "INCIDENT" is vague and  
11 ambiguous as the allegations in the complaint involve numerous alleged acts which occurred over  
12 a period of time between multiple persons and entities.

13 Subject to and without waiving the foregoing objections, responding party responds as  
14 follows: No.

**15 FORM INTERROGATORY NO. 4.2:**

16 Are you self-insured under any statute for the damages, claims, or actions that have arisen  
17 out of the **INCIDENT**? If so, specify the statute.

**18 | RESPONSE FORM INTERROGATORY NO. 4.2:**

19 Responding party objects to the extent the request seeks information protected by the  
20 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
21 that the request seeks information that is not reasonably calculated to lead to the discovery of  
22 admissible evidence. Responding party further objects that the term "INCIDENT" is vague and  
23 ambiguous as the allegations in the complaint involve numerous alleged acts which occurred over  
24 a period of time between multiple persons and entities.

25 Subject to and without waiving the foregoing objections, responding party responds as  
26 follows: No.

1 **FORM INTERROGATORY NO. 8.1:**

2       Do you attribute any loss of income or earning capacity to the **INCIDENT**? If your answer  
3 is "no," do not answer interrogatories 8.2 through 8.8.

4 **RESPONSE TO FORM INTERROGATORY NO. 8.1:**

5       Responding party objects to the extent the request seeks information protected by the  
6 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
7 that the request seeks information that is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Responding party further objects that the term "INCIDENT" is vague and  
9 ambiguous as the allegations in the complaint involve numerous alleged acts which occurred over  
10 a period of time between multiple persons and entities.

11       Subject to and without waiving the foregoing objections, responding party responds as  
12 follows: No.

13 **FORM INTERROGATORY NO. 12.1:**

14       State the name, **ADDRESS**, and telephone number of each individual:

- 15       (a) who witnessed the **INCIDENT** or the events occurring immediately before or after  
16              the **INCIDENT**;
- 17       (b) who made any statement at the scene of the **INCIDENT**;
- 18       (c) who heard any statements made about the **INCIDENT** by any individual at the  
19              scene;
- 20       (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge  
21              of the **INCIDENT** (except for expert witnesses covered by Code of Civil  
22              Procedure, §2034).

23 **RESPONSE FORM INTERROGATORY NO. 12.1:**

24       Responding party objects to the extent the request seeks information protected by the  
25 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
26 that the term "INCIDENT" is vague and ambiguous as the allegations in the complaint involve  
27 numerous alleged acts which occurred over a period of time between multiple persons and entities.  
28 Subject to and without waiving the foregoing objections, responding party responds as follows:

1 Persons having knowledge of the alleged facts in the complaint may include, without limitation,  
2 the following individuals:

3 (1) Francine Silver, c/o her counsel;

4 Discovery is ongoing with respect to persons employed or were agents of Defendants.

5 **FORM INTERROGATORY NO. 12.2:**

6 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual  
7 concerning the **INCIDENT**? If so, for each individual state:

8 (a) the name, **ADDRESS**, and telephone number of the individual interviewed;

9 (b) the date of the interview;

10 (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the  
11 interview.

12 **RESPONSE FORM INTERROGATORY NO. 12.2:**

13 Responding party objects to the extent the request seeks information protected by the  
14 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
15 that the request seeks information that is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Responding party further objects that the term "INCIDENT" is vague and  
17 ambiguous as the allegations in the complaint involve numerous alleged acts which occurred over  
18 a period of time between multiple persons and entities.

19 Subject to and without waiving the foregoing objections, responding party responds as  
20 follows: No.

21 **FORM INTERROGATORY NO. 12.3:**

22 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or  
23 recorded statement from any individual concerning the **INCIDENT**? If so, for each statement  
24 state:

25 (a) the name, **ADDRESS**, and telephone number of the individual from whom the  
26 statement was obtained;

27 (b) the name, **ADDRESS**, and telephone number of the individual who obtained the  
28 statement;

- 1       (c)     the date the statement was obtained;
- 2       (d)     the name, **ADDRESS**, and telephone number of each **PERSON** who has the
- 3                  original statement or a copy.

4 **RESPONSE FORM INTERROGATORY NO. 12.3:**

5                  Responding party objects to the extent the request seeks information protected by the  
6 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
7 that the request seeks information that is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Responding party further objects that the term "INCIDENT" is vague and  
9 ambiguous as the allegations in the complaint involve numerous alleged acts which occurred over  
10 a period of time between multiple persons and entities.

11                 Subject to and without waiving the foregoing objections, responding party responds as  
12 follows: No.

13 **FORM INTERROGATORY NO. 13.1:**

14                 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of  
15 any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance  
16 state:

- 17       (a)     the name, **ADDRESS**, and telephone number of the individual or party;
- 18       (b)     the time, date and place of the surveillance;
- 19       (c)     the name, **ADDRESS**, and telephone number of the individual who conducted the  
20                  surveillance.

21 **RESPONSE TO FORM INTERROGATORY NO. 13.1:**

22                 Responding party objects to the extent the request seeks information protected by the  
23 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
24 that the request seeks information that is not reasonably calculated to lead to the discovery of  
25 admissible evidencc. Responding party further objects that the term "INCIDENT" is vague and  
26 ambiguous as the allegations in the complaint involve numerous alleged acts which occurred over  
27 a period of time between multiple persons and entities.

28

1       Subject to and without waiving the foregoing objections, responding party responds as  
2 follows: No.

3 **FORM INTERROGATORY NO. 14.1:**

4       Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON**  
5 involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation  
6 was a legal (proximate) cause of the **INCIDENT**? If so, identify each **PERSON** and the statute,  
7 ordinance, or regulation.

8 **RESPONSE FORM INTERROGATORY NO. 14.1:**

9       Responding party objects to the extent the request seeks information protected by the  
10 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
11 that the request seeks information that is not reasonably calculated to lead to the discovery of  
12 admissible evidence. Responding party further objects that the term "INCIDENT" is vague and  
13 ambiguous as the allegations in the complaint involve numerous alleged acts which occurred over  
14 a period of time between multiple persons and entities.

15       Subject to and without waiving the foregoing objections, responding party responds as  
16 follows: No.

17 **FORM INTERROGATORY NO. 14.2:**

18       Was any **PERSON** cited or charged with a violation of any statute, ordinance, or  
19 regulation as a result of this **INCIDENT**? If so, for each **PERSON** state:

- 20           (a)      the name, **ADDRESS**, and telephone number of the **PERSON**;
- 21           (b)      the statute, ordinance, or regulation allegedly violated.
- 22           (c)      whether the **PERSON** entered a plea in response to the citation or charge and, if so,  
23                  the plea entered;
- 24           (d)      the name and **ADDRESS** of the court or administrative agency, names of the  
25                  parties, and case number.

26 **RESPONSE FORM INTERROGATORY NO. 14.2:**

27       Responding party objects to the extent the request seeks information protected by the  
28 attorney-client privilege and the attorney work product doctrine. Responding party further objects

1 that the request seeks information that is not reasonably calculated to lead to the discovery of  
2 admissible evidence. Responding party further objects that the term "INCIDENT" is vague and  
3 ambiguous as the allegations in the complaint involve numerous alleged acts which occurred over  
4 a period of time between multiple persons and entities.

5 Subject to and without waiving the foregoing objections, responding party responds as  
6 follows: No.

7 **FORM INTERROGATORY NO. 15.1:**

8 Identify each denial of a material allegation and each special or affirmative defense in your  
9 pleadings and for each:

10 (a) state all facts upon which you base the denial or special or affirmative defense;  
11 (b) state the names, ADDRESSES, and telephone numbers of all PERSON who have  
12 knowledge of those facts;  
13 (c) identify all DOCUMENTS and other tangible things which support your denial or  
14 special or affirmative defense, and state the name, ADDRESS, and telephone  
15 number of the PERSON who has each DOCUMENTS.

16 **RESPONSE FORM INTERROGATORY NO. 15.1:**

17 Responding party objects to the extent the request seeks information protected by the  
18 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
19 that the request seeks information that is not reasonably calculated to lead to the discovery of  
20 admissible evidence because responding party has not made any claims for loss of property or  
21 incurred any damages that it is seeking against the propounding party.

22 Subject to and without waiving the foregoing objections, responding party responds as  
23 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
24 to the operative complaint by filing a general denial rather than specifically responding to each  
25 allegation contained therein. Because there are no specific denials of material allegations set forth  
26 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
27 material allegations" are inapplicable.

28

1 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
2 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
3 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
4 defenses. However, responding party's factual investigation and legal research concerning each  
5 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
6 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
7 analysis and opinion, at hearings and at the trial of this action as such information is developed  
8 and becomes available. The inability of responding to provide specific facts, witnesses or  
9 documents supporting each and every one of its affirmative defenses shall not be construed as a  
10 waiver of such affirmative defense nor an admission that such a defense lacks merit.

11 **FORM INTERROGATORY NO. 17.1:**

12 Is your response to each request for admission served with these interrogatories an  
13 unqualified admission? If not, for each response that is not an unqualified admission:

14 (a) state the number of the request;  
15 (b) state all facts upon which you base your response;  
16 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSON** who have  
17 knowledge of those facts;  
18 (d) identify all **DOCUMENTS** and other tangible things that support your response  
19 and state the name, **ADDRESS**, and telephone number of the **PERSON** who has  
20 each **DOCUMENTS** or thing.

21 **RESPONSE FORM INTERROGATORY NO. 17.1:**

22 Responding party objects to the extent the request seeks information protected by the  
23 attorney-client privilege and the attorney work product doctrine.

24 Subject to and without waiving the foregoing objections, responding party responds as  
25 follows: Responding party's factual investigation and legal research concerning each matter  
26 addressed in this discovery is ongoing, and responding party therefore reserves the right to use and  
27 rely upon subsequent developed facts, information and legal theories, as well as expert analysis  
28 and opinion, at hearings and at the trial of this action as such information is developed and

1 becomes available.

2 **FORM INTERROGATORY NO. 50.1:**

3 For each agreement alleged in the pleadings:

- 4 (a) identify all **DOCUMENTS** that are part of the agreement and for each state the  
5 name, **ADDRESS**, and telephone number of each **PERSON** who has the  
6 **DOCUMENTS**;
- 7 (b) state each part of the agreement not in writing, the name, **ADDRESS**, and  
8 telephone number of each **PERSON** agreeing to that provision, and the date that  
9 part of the agreement was made;
- 10 (c) identify all **DOCUMENTS** that evidence each part of the agreement not in writing  
11 and for each state the name, **ADDRESS**, and telephone number of each **PERSON**  
12 who has the **DOCUMENTS**;
- 13 (d) identify all **DOCUMENTS** that are part of each modification to the agreement, and  
14 for each state the name, **ADDRESS**, and telephone number of each **PERSON** who  
15 has the **DOCUMENTS**;
- 16 (e) state each modification not in writing, the date, and the name, **ADDRESS**, and  
17 telephone number of each **PERSON** agreeing to the modification, and the date the  
18 modification was made;
- 19 (f) identify all **DOCUMENTS** that evidence each modification of the agreement not  
20 in writing and for each state the name, **ADDRESS**, and telephone number of each  
21 **PERSON** who has the **DOCUMENTS**.

22 **RESPONSE FORM INTERROGATORY NO. 50.1:**

23 Responding party objects to the extent the request seeks information protected by the  
24 attorney-client privilege and the attorney work product doctrine.

25 Subject to and without waiving the foregoing objections, responding party responds as  
26 follows:

- 27 (a) The only agreement alleged in the first amended complaint is the residential loan  
28 entered into by plaintiff Francine Silver and plaintiff is in possession of a copy of the subject note,

1 deed of trust and loan documents.

2 (b) None;

3 (c) None;

4 (d) None;

5 (e) None; and

6 (f) None.

7 **FORM INTERROGATORY NO. 50.2:**

8 Was there a breach of any agreement alleged in the pleadings? If so, for each breach  
9 describe and give the date of every act or omission that you claim is the breach of the agreement.

10 **RESPONSE FORM INTERROGATORY NO. 50.2:**

11 Responding party objects to the extent the request seeks information protected by the  
12 attorney-client privilege and the attorney work product doctrine.

13 Subject to and without waiving the foregoing objections, responding party responds as  
14 follows: Yes, plaintiff defaulted on the subject deed of trust.

15 **FORM INTERROGATORY NO. 50.3:**

16 Was performance of any agreement alleged in the pleadings excused? If so, identify each  
17 agreement excused and state why performance was excused.

18 **RESPONSE FORM INTERROGATORY NO. 50.3:**

19 Responding party objects to the extent the request seeks information protected by the  
20 attorney-client privilege and the attorney work product doctrine.

21 Subject to and without waiving the foregoing objections, responding party responds as  
22 follows: No.

23 **FORM INTERROGATORY NO. 50.4:**

24 Was any agreement alleged in the pleadings terminated by mutual agreement, release,  
25 accord and satisfaction, or novation? If so, identify each agreement terminated and state why it  
26 was terminated including dates.

27

28

1 **RESPONSE FORM INTERROGATORY NO. 50.4:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine.

4 Subject to and without waiving the foregoing objections, responding party responds as  
5 follows: No.

6 **FORM INTERROGATORY NO. 50.5:**

7 Is any agreement alleged in the pleadings unenforceable? If so, identify each  
8 unenforceable agreement and state why it is unenforceable.

9 **RESPONSE FORM INTERROGATORY NO. 50.5:**

10 Responding party objects to the extent the request seeks information protected by the  
11 attorney-client privilege and the attorney work product doctrine.

12 Subject to and without waiving the foregoing objections, responding party responds as  
13 follows: No.

14 **FORM INTERROGATORY NO. 50.6:**

15 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous  
16 agreement and state why it is ambiguous.

17 **RESPONSE FORM INTERROGATORY NO. 50.6:**

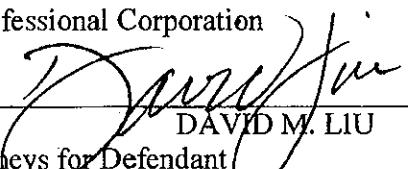
18 Responding party objects to the extent the request seeks information protected by the  
19 attorney-client privilege and the attorney work product doctrine.

20 Subject to and without waiving the foregoing objections, responding party responds as  
21 follows: No.

22

23 DATED: March 31, 2014

SEVERSON & WERSON  
A Professional Corporation

24 By: 

DAVID M. LIU

25 Attorneys for Defendant  
26 GMAC MORTGAGE, LLC; and  
27 OCWEN LOAN SERVICING, LLC

28

## VERIFICATION

2 1, Kyle Lutz, am a Senior Loan Analyst employed by Ocwen Financial  
3 Corporation, whose indirect subsidiary is Ocwen Loan Servicing, LLC, which is the current  
4 servicer for the beneficiary of the subject loan and the successor loan servicer to GMAC  
5 Mortgage, LLC, and am authorized to make this verification on its behalf.

6 I have read the foregoing GMAC MORTGAGE, LLC'S RESPONSES TO PLAINTIFF  
7 FRANCINE SILVER'S FORM INTERROGATORIES, SET ONE (1) and know its contents. I  
8 am informed and believe that the matters stated therein are true.

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct and that this verification was executed on this 22<sup>nd</sup> day of March  
11 2014, in Coppell, Texas.

By:

I **PROOF OF SERVICE**

2 At the time of service, I was over 18 years of age and not a party to this action. I am  
3 employed in the County of Orange, State of California. My business address is The Atrium,  
19100 Von Karman Avenue, Suite 700, Irvine, CA 92612.

4 On March 31, 2014, I served the **ORIGINAL** of the following document(s): **GMAC**  
5 **MORTGAGE, LLC'S RESPONSES TO PLAINTIFF FRANCINE SILVER'S FORM**  
**INTERROGATORIES, SET ONE (1)** on the interested parties in this action as follows:

6 Ehud Gersten, Esq.  
GERSTEN LAW GROUP  
7 3115 Fourth Avenue  
San Diego, CA 92103

Attorneys for Plaintiff FRANCINE SILVER  
Telephone: (619) 600-0098  
Email: egersten@gerstenlaw.com

8  **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the  
9 persons at the addresses listed in the Service List and placed the envelope for collection  
and mailing, following our ordinary business practices. I am readily familiar with  
10 Severson & Werson's practice for collecting and processing correspondence for mailing.  
On the same day that the correspondence is placed for collection and mailing, it is  
11 deposited in the ordinary course of business with the United States Postal Service, in a  
sealed envelope with postage fully prepaid.

12  **BY E-MAIL OR ELECTRONIC TRANSMISSION:** By agreement of the parties or  
13 by court order, I caused a copy of the document(s) to be sent from e-mail address  
rjb@severson.com to the persons at the e-mail addresses listed in the Service List. The  
14 document(s) were transmitted, and I did not receive, within a reasonable time after the  
transmission, any electronic message or other indication that the transmission was  
15 unsuccessful.

16  **BY FEDEX OVERNIGHT:** I enclosed said document(s) in an envelope or package  
17 provided by FedEx and addressed to the persons at the addresses listed in the Service List.  
I placed the envelope or package for collection and overnight delivery at an office or a  
18 regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver  
authorized by FedEx to receive documents.

19 I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

20 Executed on March 31, 2014, at Irvine, California.

21   
22 RYAN J. BROOKS  
23

1 ROBERT J. GANDY (State Bar No. 225405)  
2 DAVID M. LIU (State Bar No. 216311)  
3 SEVERSON & WERSON  
4 A Professional Corporation  
5 The Atrium  
19100 Von Karman Avenue, Suite 700  
Irvine, California 92612  
Telephone: (949) 442-7110  
Facsimile: (949) 442-7118

6 JOHN B. SULLIVAN (State Bar No. 96742)  
7 SEVERSON & WERSON  
A Professional Corporation  
One Embarcadero Center, Suite 2600  
8 San Francisco, California 94111  
Telephone: (415) 398-3344  
9 Facsimile: (415) 956-0439

10 Attorneys for Defendant  
GMAC MORTGAGE, LLC; and  
11 OCWEN LOAN SERVICING, LLC

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES — WEST DISTRICT  
SANTA MONICA COURT HOUSE**

FRANCINE SILVER.

**Plaintiff.**

vs.

18 GMAC MORTGAGE, LLC, a limited liability  
19 company.

**Defendant.**

Case No. SC118412  
Assigned for All Purposes to:  
Hon. Allan J. Goodman  
Dept. WE "P"

**GMAC MORTGAGE, LLC'S  
RESPONSES TO PLAINTIFF FRANCINE  
SILVER'S SPECIAL  
INTERROGATORIES, SET ONE (1)**

Action Filed: September 17, 2012  
Trial Date: None Set

**23 PROPOUNDING PARTY: PLAINTIFF FRANCINE SILVER**

24 | RESPONDING PARTY: GMAC MORTGAGE, LLC

25 | SET NO.: ONE (1)

26 Pursuant to California Code of Civil Procedure section 2030.210, Defendant GMAC  
27 MORTGAGE, LLC responds to Plaintiff Francine Silver's Special Interrogatories, Set One,  
28 follows:

Defendant GMAC MORTGAGE, LLC (“GMAC”), whose discovery and investigation in this matter are continuing and not yet completed, and whose discovery responses are given without prejudice to subsequent supplementation and/or amendment as may be appropriate, responds to Plaintiff Francine Silver’s first set of Special Interrogatories, pursuant to California Code of Civil Procedure section 2030.010-2030.410, as follows:

## **SPECIAL INTERROGATORIES AND RESPONSES**

**SPECIAL INTERROGATORY NO. 1:**

8 Identify by name, address, and telephone number any person YOU employed or otherwise  
9 authorized or directed to communicate with SILVER regarding THE PROPERTY.

**10 RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

11 Responding party objects to the extent the request seeks information protected by the  
12 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
13 that the request seeks information that is not reasonably calculated to lead to the discovery of  
14 admissible evidence. Responding party further objects that the interrogatory is vague and  
15 ambiguous. Responding party further objects that the interrogatory is burdensome and oppressive.  
16 Responding party further objects that the interrogatory violates the privacy rights of the agent or  
17 employees of responding party.

**18 | SPECIAL INTERROGATORY NO. 2:**

19 Provide the date, time, participants, and content of any communication between YOU and  
20 any other person or entity, including internal COMMUNICATIONS, concerning THE  
21 PROPERTY.

**22 | RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

23 Responding party objects to the extent the request seeks information protected by the  
24 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
25 that the request seeks information that is not reasonably calculated to lead to the discovery of  
26 admissible evidence. Responding party further objects that the interrogatory is vague and  
27 ambiguous. Responding party further objects that the interrogatory is burdensome and oppressive.

1 **SPECIAL INTERROGATORY NO. 3:**

2       Describe any interest YOU have or previously had in THE PROPERTY, regarding or  
3 relating to ownership, THE NOTE, or any lien on THE PROPERTY.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

5       Responding party objects to the extent the request seeks information protected by the  
6 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
7 that the request seeks information that is not reasonably calculated to lead to the discovery of  
8 admissible evidence.

9       Subject to and without waiving the foregoing objections, responding party responds as  
10 follows: In a deed of trust, dated March 15, 2006, plaintiff and non-party Nationwide Lending  
11 Group, entered into a loan agreement whereby Nationwide Lending loaned plaintiff \$1.3 million  
12 (the "Deed of Trust") which was secured by real property located at 8613 Franklin Avenue, Los  
13 Angeles, California 90069 (the "Property"). On July 5, 2011, the Deed of Trust was assigned by  
14 Mortgage Electronic Registrations Systems, Inc., to GMAC Mortgage, LLC (fka GMAC  
15 Mortgage Corporation). On March 25, 2013, the Deed of Trust was assigned to U.S. Bank  
16 National Association, a Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through  
17 Certificates, Series 2006-AR7.

18       On February 16, 2013, the servicing of the subject loan transferred from GMAC Mortgage,  
19 LLC to Ocwen Loan Servicing, LLC.

20 **SPECIAL INTERROGATORY NO. 4:**

21       Describe how, when, and from whom YOU acquired any interest YOU have or previously  
22 had in THE PROPERTY, regarding or relating to ownership, THE NOTE, or any lien on THE  
23 PROPERTY.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

25       Responding party objects to the extent the request seeks information protected by the  
26 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
27 that the request seeks information that is not reasonably calculated to lead to the discovery of  
28 admissible evidence.

1       Subject to and without waiving the foregoing objections, responding party responds as  
2 follows: In a deed of trust, dated March 15, 2006, plaintiff and non-party Nationwide Lending  
3 Group, entered into a loan agreement whereby Nationwide Lending loaned plaintiff \$1.3 million  
4 (the "Deed of Trust") which was secured by real property located at 8613 Franklin Avenue, Los  
5 Angeles, California 90069 (the "Property"). On July 5, 2011, the Deed of Trust was assigned by  
6 Mortgage Electronic Registrations Systems, Inc., to GMAC Mortgage, LLC (fka GMAC  
7 Mortgage Corporation). On March 25, 2013, the Deed of Trust was assigned to U.S. Bank  
8 National Association, a Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through  
9 Certificates, Series 2006-AR7.

10       On February 16, 2013, the servicing of the subject loan transferred from GMAC Mortgage,  
11 LLC to Ocwen Loan Servicing, LLC.

12 **SPECIAL INTERROGATORY NO. 5:**

13       Describe any interest OCWEN has or previously had in THE PROPERTY, regarding or  
14 relating to ownership, THE NOTE, or any lien on THE PROPERTY.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

16       Responding party objects to the extent the request seeks information protected by the  
17 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
18 that the request seeks information that is not reasonably calculated to lead to the discovery of  
19 admissible evidence.

20       Subject to and without waiving the foregoing objections, responding party responds as  
21 follows: In a deed of trust, dated March 15, 2006, plaintiff and non-party Nationwide Lending  
22 Group, entered into a loan agreement whereby Nationwide Lending loaned plaintiff \$1.3 million  
23 (the "Deed of Trust") which was secured by real property located at 8613 Franklin Avenue, Los  
24 Angeles, California 90069 (the "Property"). On July 5, 2011, the Deed of Trust was assigned by  
25 Mortgage Electronic Registrations Systems, Inc., to GMAC Mortgage, LLC (fka GMAC  
26 Mortgage Corporation). On March 25, 2013, the Deed of Trust was assigned to U.S. Bank  
27 National Association, a Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through  
28 Certificates, Series 2006-AR7.

1       On February 16, 2013, the servicing of the subject loan transferred from GMAC Mortgage,  
2 LLC to Ocwen Loan Servicing, LLC.

3 **SPECIAL INTERROGATORY NO. 6:**

4       Describe how, when, and from whom OCWEN acquired any interest OCWEN has or  
5 previously had in THE PROPERTY, regarding or relating to ownership, THE NOTE, or any lien  
6 on THE PROPERTY.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

8       Responding party objects to the extent the request seeks information protected by the  
9 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
10 that the request seeks information that is not reasonably calculated to lead to the discovery of  
11 admissible evidence.

12       Subject to and without waiving the foregoing objections, responding party responds as  
13 follows: In a deed of trust, dated March 15, 2006, plaintiff and non-party Nationwide Lending  
14 Group, entered into a loan agreement whereby Nationwide Lending loaned plaintiff \$1.3 million  
15 (the "Deed of Trust") which was secured by real property located at 8613 Franklin Avenue, Los  
16 Angeles, California 90069 (the "Property"). On July 5, 2011, the Deed of Trust was assigned by  
17 Mortgage Electronic Registrations Systems, Inc., to GMAC Mortgage, LLC (fka GMAC  
18 Mortgage Corporation). On March 25, 2013, the Deed of Trust was assigned to U.S. Bank  
19 National Association, a Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through  
20 Certificates, Series 2006-AR7.

21       On February 16, 2013, the servicing of the subject loan transferred from GMAC Mortgage,  
22 LLC to Ocwen Loan Servicing, LLC.

23 **SPECIAL INTERROGATORY NO. 7:**

24       Describe how, when, and to whom YOU transferred any interest YOU previously had in  
25 THE PROPERTY, regarding or relating to ownership, THE NOTE, or any lien on THE  
26 PROPERTY.

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1 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence.

6 Subject to and without waiving the foregoing objections, responding party responds as  
7 follows: In a deed of trust, dated March 15, 2006, plaintiff and non-party Nationwide Lending  
8 Group, entered into a loan agreement whereby Nationwide Lending loaned plaintiff \$1.3 million  
9 (the "Deed of Trust") which was secured by real property located at 8613 Franklin Avenue, Los  
10 Angeles, California 90069 (the "Property"). On July 5, 2011, the Deed of Trust was assigned by  
11 Mortgage Electronic Registrations Systems, Inc., to GMAC Mortgage, LLC (fka GMAC  
12 Mortgage Corporation). On March 25, 2013, the Deed of Trust was assigned to U.S. Bank  
13 National Association, a Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through  
14 Certificates, Series 2006-AR7.

15 On February 16, 2013, the servicing of the subject loan transferred from GMAC Mortgage,  
16 LLC to Ocwen Loan Servicing, LLC.

17 **SPECIAL INTERROGATORY NO. 8:**

18 Describe any and all actions taken by YOU to record in the public record any interest YOU  
19 have or previously had in THE PROPERTY.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

21 Responding party objects to the extent the request seeks information protected by the  
22 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
23 that the request seeks information that is not reasonably calculated to lead to the discovery of  
24 admissible evidence.

25 Subject to and without waiving the foregoing objections, responding party responds as  
26 follows: The subject deed of trust and assignments were recorded with the Los Angeles County  
27 Recorder.

28

1 **SPECIAL INTERROGATORY NO. 9:**

2       Describe any and all actions taken by YOU to record in the public record the transfer by  
3 YOU to any other person or entity any interest YOU previously had in THE PROPERTY.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

5       Responding party objects to the extent the request seeks information protected by the  
6 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
7 that the request seeks information that is not reasonably calculated to lead to the discovery of  
8 admissible evidence.

9       Subject to and without waiving the foregoing objections, responding party responds as  
10 follows: The subject deed of trust and assignments were recorded with the Los Angeles County  
11 Recorder.

12 **SPECIAL INTERROGATORY NO. 10:**

13       Describe any and all actions taken by YOU to inform SILVER of any interest YOU have  
14 or previously had in THE PROPERTY.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

16       Responding party objects to the extent the request seeks information protected by the  
17 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
18 that the request seeks information that is not reasonably calculated to lead to the discovery of  
19 admissible evidence.

20       Subject to and without waiving the foregoing objections, responding party responds as  
21 follows: Responding party and Ocwen notified plaintiff of the assignment of the deeds of trust  
22 through the recorded assignments and written correspondence to plaintiff.

23 **SPECIAL INTERROGATORY NO. 11:**

24       Describe any and all actions taken by YOU to inform SILVER of any interest any other  
25 person or entity has or previously had in THE PROPERTY.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

27       Responding party objects to the extent the request seeks information protected by the  
28 attorney-client privilege and the attorney work product doctrine. Responding party further objects

1 that the request seeks information that is not reasonably calculated to lead to the discovery of  
2 admissible evidence.

3 Subject to and without waiving the foregoing objections, responding party responds as  
4 follows: Responding party and Ocwen notified plaintiff of the assignment of the deeds of trust  
5 through the recorded assignments and written correspondence to plaintiff.

6 **SPECIAL INTERROGATORY NO. 12:**

7 Identify by name, address, and telephone number each and every owner of THE NOTE or  
8 the corresponding lien on THE PROPERTY.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

10 Responding party objects to the extent the request seeks information protected by the  
11 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
12 that the request seeks information that is not reasonably calculated to lead to the discovery of  
13 admissible evidence. Responding party further objects that the interrogatory is vague and  
14 ambiguous. Responding party further objects that the interrogatory is burdensome and oppressive.

15 **SPECIAL INTERROGATORY NO. 13:**

16 Provide the address, telephone number, email, and any other contact information you have  
17 for "Jacqueline Keeley."

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

19 Responding party objects to the extent the request seeks information protected by the  
20 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
21 that the request seeks information that is not reasonably calculated to lead to the discovery of  
22 admissible evidence. Responding party further objects that the interrogatory is vague and  
23 ambiguous. Responding party further objects that the interrogatory is burdensome and oppressive.  
24 Responding party further objects to the rights of privacy of the person to whom plaintiff is seeking  
25 personal information.

26 **SPECIAL INTERROGATORY NO. 14:**

27 Provide the address, telephone number, email, and any other contact information you  
28 have for "Keli D. Smith."

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 14:**

2        Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence. Responding party further objects that the interrogatory is vague and  
6 ambiguous. Responding party further objects that the interrogatory is burdensome and oppressive.  
7 Responding party further objects to the rights of privacy of the person to whom plaintiff is seeking  
8 personal information.

9 **SPECIAL INTERROGATORY NO. 15:**

10      Describe all factors which went into YOUR decision to purportedly assign the servicing  
11 rights to THE NOTE to OCWEN on or about February 6, 2012.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

13       Responding party objects to the extent the request seeks information protected by the  
14 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
15 that the request seeks information that is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Responding party further objects that the interrogatory is vague and  
17 ambiguous.

18 **SPECIAL INTERROGATORY NO. 16:**

19      Describe all factors which went into YOUR decision to purportedly assign all beneficial  
20 interest in the deed of trust associated with THE NOTE to "U.S. Bank National Association, as  
21 Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through Certificates, Series  
22 2006-AR7" via a document dated March 25, 2013, titled "Assignment of Deed of Trust," and  
23 executed by a person signing as "Keli D. Smith, Authorized Officer."

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

25       Responding party objects to the extent the request seeks information protected by the  
26 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
27 that the request seeks information that is not reasonably calculated to lead to the discovery of  
28

1 admissible evidence. Responding party further objects that the interrogatory is vague and  
2 ambiguous.

3 **SPECIAL INTERROGATORY NO. 17:**

4 Provide any and all facts which YOU allege support the contention in YOUR Second  
5 Affirmative Defense to the claims in this case that "Plaintiff has waived her right to seek the relief  
6 herein due to her own acts and/or omissions."

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 17:**

8 Responding party objects to the extent the request seeks information protected by the attorney-  
9 client privilege and the attorney work product doctrine. Responding party further objects that the  
10 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
11 evidence because responding party has not made any claims for loss of property or incurred any  
12 damages that it is seeking against the propounding party.

13 Subject to and without waiving the foregoing objections, responding party responds as  
14 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
15 to the operative complaint by filing a general denial rather than specifically responding to each  
16 allegation contained therein. Because there are no specific denials of material allegations set forth  
17 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
18 material allegations" are inapplicable.

19 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
20 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
21 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
22 defenses. However, responding party's factual investigation and legal research concerning each  
23 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
24 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
25 analysis and opinion, at hearings and at the trial of this action as such information is developed  
26 and becomes available. The inability of responding to provide specific facts, witnesses or  
27 documents supporting each and every one of its affirmative defenses shall not be construed as a  
28 waiver of such affirmative defense nor an admission that such a defense lacks merit.

1 **SPECIAL INTERROGATORY NO. 18:**

2 Provide any and all facts which YOU allege support the contention in YOUR Third  
3 Affirmative Defense to the claims in this case that "Plaintiff . . . is estopped from recovery herein."

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 18:**

5 Responding party objects to the extent the request seeks information protected by the attorney-  
6 client privilege and the attorney work product doctrine. Responding party further objects that the  
7 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
8 evidence because responding party has not made any claims for loss of property or incurred any  
9 damages that it is seeking against the propounding party.

10 Subject to and without waiving the foregoing objections, responding party responds as  
11 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
12 to the operative complaint by filing a general denial rather than specifically responding to each  
13 allegation contained therein. Because there are no specific denials of material allegations set forth  
14 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
15 material allegations" are inapplicable.

16 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
17 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
18 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
19 defenses. However, responding party's factual investigation and legal research concerning each  
20 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
21 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
22 analysis and opinion, at hearings and at the trial of this action as such information is developed  
23 and becomes available. The inability of responding to provide specific facts, witnesses or  
24 documents supporting each and every one of its affirmative defenses shall not be construed as a  
25 waiver of such affirmative defense nor an admission that such a defense lacks merit.

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1 **SPECIAL INTERROGATORY NO. 19:**

2 Provide any and all facts which YOU allege support the contention in YOUR Fourth  
3 Affirmative Defense to the claims in this case that SILVER's claims are barred by the statute of  
4 limitations.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 19:**

6 Responding party objects to the extent the request seeks information protected by the attorney-  
7 client privilege and the attorney work product doctrine. Responding party further objects that the  
8 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
9 evidence because responding party has not made any claims for loss of property or incurred any  
10 damages that it is seeking against the propounding party.

11 Subject to and without waiving the foregoing objections, responding party responds as  
12 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
13 to the operative complaint by filing a general denial rather than specifically responding to each  
14 allegation contained therein. Because there are no specific denials of material allegations set forth  
15 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
16 material allegations" are inapplicable.

17 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
18 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
19 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
20 defenses. However, responding party's factual investigation and legal research concerning each  
21 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
22 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
23 analysis and opinion, at hearings and at the trial of this action as such information is developed  
24 and becomes available. The inability of responding to provide specific facts, witnesses or  
25 documents supporting each and every one of its affirmative defenses shall not be construed as a  
26 waiver of such affirmative defense nor an admission that such a defense lacks merit.

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1 **SPECIAL INTERROGATORY NO. 20:**

2 Provide any and all facts which YOU allege support the contention in YOUR Sixth  
3 Affirmative Defense to the claims in this case that SILVER's injuries and/or damages were "the  
4 result of the . . wrongful acts of third parties."

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 20:**

6 Responding party objects to the extent the request seeks information protected by the attorney-  
7 client privilege and the attorney work product doctrine. Responding party further objects that the  
8 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
9 evidence because responding party has not made any claims for loss of property or incurred any  
10 damages that it is seeking against the propounding party.

11 Subject to and without waiving the foregoing objections, responding party responds as  
12 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
13 to the operative complaint by filing a general denial rather than specifically responding to each  
14 allegation contained therein. Because there are no specific denials of material allegations set forth  
15 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
16 material allegations" are inapplicable.

17 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
18 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
19 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
20 defenses. However, responding party's factual investigation and legal research concerning each  
21 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
22 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
23 analysis and opinion, at hearings and at the trial of this action as such information is developed  
24 and becomes available. The inability of responding to provide specific facts, witnesses or  
25 documents supporting each and every one of its affirmative defenses shall not be construed as a  
26 waiver of such affirmative defense nor an admission that such a defense lacks merit.

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1 **SPECIAL INTERROGATORY NO. 21:**

2 Provide any and all facts which YOU allege support the contention in YOUR Ninth  
3 Affirmative Defense to the claims in this case that SILVER's "claims are barred, in whole or in  
4 part, by operation of the doctrine of unclean hands."

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 21:**

6 Responding party objects to the extent the request seeks information protected by the attorney-  
7 client privilege and the attorney work product doctrine. Responding party further objects that the  
8 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
9 evidence because responding party has not made any claims for loss of property or incurred any  
10 damages that it is seeking against the propounding party.

11 Subject to and without waiving the foregoing objections, responding party responds as  
12 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
13 to the operative complaint by filing a general denial rather than specifically responding to each  
14 allegation contained therein. Because there are no specific denials of material allegations set forth  
15 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
16 material allegations" are inapplicable.

17 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
18 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
19 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
20 defenses. However, responding party's factual investigation and legal research concerning each  
21 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
22 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
23 analysis and opinion, at hearings and at the trial of this action as such information is developed  
24 and becomes available. The inability of responding to provide specific facts, witnesses or  
25 documents supporting each and every one of its affirmative defenses shall not be construed as a  
26 waiver of such affirmative defense nor an admission that such a defense lacks merit.

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1 **SPECIAL INTERROGATORY NO. 22:**

2 Provide any and all facts which YOU allege support the contention in YOUR Tenth  
3 Affirmative Defense to the claims in this case that SILVER's "claims are barred, in whole or in  
4 part, by operation of the doctrine of laches."

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 22:**

6 Responding party objects to the extent the request seeks information protected by the attorney-  
7 client privilege and the attorney work product doctrine. Responding party further objects that the  
8 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
9 evidence because responding party has not made any claims for loss of property or incurred any  
10 damages that it is seeking against the propounding party.

11 Subject to and without waiving the foregoing objections, responding party responds as  
12 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
13 to the operative complaint by filing a general denial rather than specifically responding to each  
14 allegation contained therein. Because there are no specific denials of material allegations set forth  
15 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
16 material allegations" are inapplicable.

17 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
18 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
19 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
20 defenses. However, responding party's factual investigation and legal research concerning each  
21 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
22 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
23 analysis and opinion, at hearings and at the trial of this action as such information is developed  
24 and becomes available. The inability of responding to provide specific facts, witnesses or  
25 documents supporting each and every one of its affirmative defenses shall not be construed as a  
26 waiver of such affirmative defense nor an admission that such a defense lacks merit.

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1 **SPECIAL INTERROGATORY NO. 23:**

2 Provide any and all facts which YOU allege support YOUR Eleventh Affirmative Defense  
3 to the claims in this case.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 23:**

5 Responding party objects to the extent the request seeks information protected by the attorney-  
6 client privilege and the attorney work product doctrine. Responding party further objects that the  
7 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
8 evidence because responding party has not made any claims for loss of property or incurred any  
9 damages that it is seeking against the propounding party.

10 Subject to and without waiving the foregoing objections, responding party responds as  
11 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
12 to the operative complaint by filing a general denial rather than specifically responding to each  
13 allegation contained therein. Because there are no specific denials of material allegations set forth  
14 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
15 material allegations" are inapplicable.

16 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
17 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
18 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
19 defenses. However, responding party's factual investigation and legal research concerning each  
20 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
21 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
22 analysis and opinion, at hearings and at the trial of this action as such information is developed  
23 and becomes available. The inability of responding to provide specific facts, witnesses or  
24 documents supporting each and every one of its affirmative defenses shall not be construed as a  
25 waiver of such affirmative defense nor an admission that such a defense lacks merit.

26 **SPECIAL INTERROGATORY NO. 24:**

27 Provide any and all facts which YOU allege support YOUR Twelfth Affirmative Defense  
28 to the claims in this case.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 24:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence because responding party has not made any claims for loss of property or  
6 incurred any damages that it is seeking against the propounding party.

7 Subject to and without waiving the foregoing objections, responding party responds as  
8 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
9 to the operative complaint by filing a general denial rather than specifically responding to each  
10 allegation contained therein. Because there are no specific denials of material allegations set forth  
11 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
12 material allegations" are inapplicable.

13 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
14 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
15 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
16 defenses. However, responding party's factual investigation and legal research concerning each  
17 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
18 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
19 analysis and opinion, at hearings and at the trial of this action as such information is developed  
20 and becomes available. The inability of responding to provide specific facts, witnesses or  
21 documents supporting each and every one of its affirmative defenses shall not be construed as a  
22 waiver of such affirmative defense nor an admission that such a defense lacks merit.

23 **SPECIAL INTERROGATORY NO. 25:**

24 Provide any and all facts which YOU allege support the contention in YOUR Thirteenth  
25 Affirmative Defense to the claims in this case that SILVER's injuries and/or damages were  
26 "proximately caused by the conduct of parties other than Defendant."

27 **RESPONSE TO SPECIAL INTERROGATORY NO. 25:**

28 Responding party objects to the extent the request seeks information protected by the attorney-

1 client privilege and the attorney work product doctrine. Responding party further objects that the  
2 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
3 evidence because responding party has not made any claims for loss of property or incurred any  
4 damages that it is seeking against the propounding party.

5 Subject to and without waiving the foregoing objections, responding party responds as  
6 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
7 to the operative complaint by filing a general denial rather than specifically responding to each  
8 allegation contained therein. Because there are no specific denials of material allegations set forth  
9 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
10 material allegations" are inapplicable.

11 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
12 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
13 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
14 defenses. However, responding party's factual investigation and legal research concerning each  
15 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
16 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
17 analysis and opinion, at hearings and at the trial of this action as such information is developed  
18 and becomes available. The inability of responding to provide specific facts, witnesses or  
19 documents supporting each and every one of its affirmative defenses shall not be construed as a  
20 waiver of such affirmative defense nor an admission that such a defense lacks merit.

21 **SPECIAL INTERROGATORY NO. 26:**

22 Provide any and all facts which YOU allege support the contention in YOUR Fifteenth  
23 Affirmative Defense to the claims in this case that SILVER has failed to mitigate her damages.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 26:**

25 Responding party objects to the extent the request seeks information protected by the attorney-  
26 client privilege and the attorney work product doctrine. Responding party further objects that the  
27 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
28 evidence because responding party has not made any claims for loss of property or incurred any

1 damages that it is seeking against the propounding party.

2 Subject to and without waiving the foregoing objections, responding party responds as  
3 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
4 to the operative complaint by filing a general denial rather than specifically responding to each  
5 allegation contained therein. Because there are no specific denials of material allegations set forth  
6 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
7 material allegations" are inapplicable.

8 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
9 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
10 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
11 defenses. However, responding party's factual investigation and legal research concerning each  
12 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
13 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
14 analysis and opinion, at hearings and at the trial of this action as such information is developed  
15 and becomes available. The inability of responding to provide specific facts, witnesses or  
16 documents supporting each and every one of its affirmative defenses shall not be construed as a  
17 waiver of such affirmative defense nor an admission that such a defense lacks merit.

18 **SPECIAL INTERROGATORY NO. 27:**

19 Provide any and all facts which YOU allege support YOUR Sixteenth Affirmative Defense  
20 to the claims in this case.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 27:**

22 Responding party objects to the extent the request seeks information protected by the attorney-  
23 client privilege and the attorney work product doctrine. Responding party further objects that the  
24 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
25 evidence because responding party has not made any claims for loss of property or incurred any  
26 damages that it is seeking against the propounding party.

27 Subject to and without waiving the foregoing objections, responding party responds as  
28 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded

1 to the operative complaint by filing a general denial rather than specifically responding to each  
2 allegation contained therein. Because there are no specific denials of material allegations set forth  
3 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
4 material allegations" are inapplicable.

5 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
6 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
7 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
8 defenses. However, responding party's factual investigation and legal research concerning each  
9 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
10 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
11 analysis and opinion, at hearings and at the trial of this action as such information is developed  
12 and becomes available. The inability of responding to provide specific facts, witnesses or  
13 documents supporting each and every one of its affirmative defenses shall not be construed as a  
14 waiver of such affirmative defense nor an admission that such a defense lacks merit.

15 **SPECIAL INTERROGATORY NO. 28:**

16 Provide any and all facts which YOU allege support YOUR Seventeenth Affirmative  
17 Defense to the claims in this case.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 28:**

19 Responding party objects to the extent the request seeks information protected by the attorney-  
20 client privilege and the attorney work product doctrine. Responding party further objects that the  
21 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
22 evidence because responding party has not made any claims for loss of property or incurred any  
23 damages that it is seeking against the propounding party.

24 Subject to and without waiving the foregoing objections, responding party responds as  
25 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
26 to the operative complaint by filing a general denial rather than specifically responding to each  
27 allegation contained therein. Because there are no specific denials of material allegations set forth  
28 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of

1 material allegations" are inapplicable.

2 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
3 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
4 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
5 defenses. However, responding party's factual investigation and legal research concerning each  
6 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
7 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
8 analysis and opinion, at hearings and at the trial of this action as such information is developed  
9 and becomes available. The inability of responding to provide specific facts, witnesses or  
10 documents supporting each and every one of its affirmative defenses shall not be construed as a  
11 waiver of such affirmative defense nor an admission that such a defense lacks merit.

12 **SPECIAL INTERROGATORY NO. 29:**

13 Provide any and all facts which YOU allege support the contention in YOUR Eighteenth  
14 Affirmative Defense to the claims in this case that SILVER has intentionally violated the  
15 provisions of the Rosenthal Fair Debt Collection Practices Act.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 29:**

17 Responding party objects to the extent the request seeks information protected by the attorney-  
18 client privilege and the attorney work product doctrine. Responding party further objects that the  
19 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
20 evidence because responding party has not made any claims for loss of property or incurred any  
21 damages that it is seeking against the propounding party.

22 Subject to and without waiving the foregoing objections, responding party responds as  
23 follows: As permitted by Code of Civil Procedure section 431.30(d); responding party responded  
24 to the operative complaint by filing a general denial rather than specifically responding to each  
25 allegation contained therein. Because there are no specific denials of material allegations set forth  
26 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
27 material allegations" are inapplicable.

28

1 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
2 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
3 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
4 defenses. However, responding party's factual investigation and legal research concerning each  
5 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
6 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
7 analysis and opinion, at hearings and at the trial of this action as such information is developed  
8 and becomes available. The inability of responding to provide specific facts, witnesses or  
9 documents supporting each and every one of its affirmative defenses shall not be construed as a  
10 waiver of such affirmative defense nor an admission that such a defense lacks merit.

11 **SPECIAL INTERROGATORY NO. 30:**

12 Provide any and all facts which YOU allege support the contention in YOUR Nineteenth  
13 Affirmative Defense to the claims in this case that SILVER's damages resulted from a bona fide  
14 error.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 30:**

16 Responding party objects to the extent the request seeks information protected by the attorney-  
17 client privilege and the attorney work product doctrine. Responding party further objects that the  
18 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
19 evidence because responding party has not made any claims for loss of property or incurred any  
20 damages that it is seeking against the propounding party.

21 Subject to and without waiving the foregoing objections, responding party responds as  
22 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
23 to the operative complaint by filing a general denial rather than specifically responding to each  
24 allegation contained therein. Because there are no specific denials of material allegations set forth  
25 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
26 material allegations" are inapplicable.

27 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
28 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right

1 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
2 defenses. However, responding party's factual investigation and legal research concerning each  
3 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
4 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
5 analysis and opinion, at hearings and at the trial of this action as such information is developed  
6 and becomes available. The inability of responding to provide specific facts, witnesses or  
7 documents supporting each and every one of its affirmative defenses shall not be construed as a  
8 waiver of such affirmative defense nor an admission that such a defense lacks merit.

9 **SPECIAL INTERROGATORY NO. 31:**

10 Provide any and all facts which YOU allege support YOUR Twentieth Affirmative  
11 Defense to the claims in this case.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 31:**

13 Responding party objects to the extent the request seeks information protected by the attorney-  
14 client privilege and the attorney work product doctrine. Responding party further objects that the  
15 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
16 evidence because responding party has not made any claims for loss of property or incurred any  
17 damages that it is seeking against the propounding party.

18 Subject to and without waiving the foregoing objections, responding party responds as  
19 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
20 to the operative complaint by filing a general denial rather than specifically responding to each  
21 allegation contained therein. Because there are no specific denials of material allegations set forth  
22 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
23 material allegations" are inapplicable.

24 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
25 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
26 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
27 defenses. However, responding party's factual investigation and legal research concerning each  
28 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to

1 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
2 analysis and opinion, at hearings and at the trial of this action as such information is developed  
3 and becomes available. The inability of responding to provide specific facts, witnesses or  
4 documents supporting each and every one of its affirmative defenses shall not be construed as a  
5 waiver of such affirmative defense nor an admission that such a defense lacks merit.

6 **SPECIAL INTERROGATORY NO. 32:**

7 Provide any and all facts which YOU allege support YOUR Twenty-First Affirmative  
8 Defense to the claims in this case.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 32:**

10 Responding party objects to the extent the request seeks information protected by the attorney-  
11 client privilege and the attorney work product doctrine. Responding party further objects that the  
12 request seeks information that is not reasonably calculated to lead to the discovery of admissible  
13 evidence because responding party has not made any claims for loss of property or incurred any  
14 damages that it is seeking against the propounding party.

15 Subject to and without waiving the foregoing objections, responding party responds as  
16 follows: As permitted by Code of Civil Procedure section 431.30(d), responding party responded  
17 to the operative complaint by filing a general denial rather than specifically responding to each  
18 allegation contained therein. Because there are no specific denials of material allegations set forth  
19 in responding party's answer, subparts (a) through (c) of this interrogatory as related to "denial of  
20 material allegations" are inapplicable.

21 As to alleged affirmative defenses, responding party objects to this interrogatory on the  
22 ground that it is premature. Responding party has pled its affirmative defenses as a matter of right  
23 to preserve certain issues that may arise at trial and must be introduced by way of affirmative  
24 defenses. However, responding party's factual investigation and legal research concerning each  
25 matter addressed in this discovery is ongoing, and responding party therefore reserves the right to  
26 use and rely upon subsequent developed facts, information and legal theories, as well as expert  
27 analysis and opinion, at hearings and at the trial of this action as such information is developed  
28 and becomes available. The inability of responding to provide specific facts, witnesses or

1 documents supporting each and every one of its affirmative defenses shall not be construed as a  
2 waiver of such affirmative defense nor an admission that such a defense lacks merit.

3 **SPECIAL INTERROGATORY NO. 33:**

4 Provide the name, address, and telephone number of any individual who assisted in the  
5 preparation of the responses to these Special Interrogatories, the responses to Francine Silver's  
6 Requests for Production of Documents to GMAC Mortgage, LLC, Set One, or the responses to  
7 Francine Silver's Requests for Admissions to GMAC Mortgage, LLC Set One.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 33:**

9 Responding party objects to the extent the request seeks information protected by the  
10 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
11 that the request seeks information that is not reasonably calculated to lead to the discovery of  
12 admissible evidence.

13 Subject to and without waiving the foregoing objections, responding party responds as  
14 follows: Kyle Lucas, Senior Loan Analyst employed by Ocwen Financial Corporation, whose  
15 indirect subsidiary is Ocwen Loan Servicing, LLC, which is the current servicer for the  
16 beneficiary of the subject loan and the successor loan servicer to GMAC Mortgage, LLC; c/o  
17 defendants' counsel.

18

19 DATED: March 31, 2014

SEVERSON & WERSON  
A Professional Corporation

20

21

By:



DAVID M. LIU

22

23

Attorneys for Defendant  
GMAC MORTGAGE, LLC; and  
OCWEN LOAN SERVICING, LLC

24

25

26

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28

## **VERIFICATION**

I, Kyle Lucas, am a Senior Loan Analyst employed by Ocwen Financial Corporation, whose indirect subsidiary is Ocwen Loan Servicing, LLC, which is the current servicer for the beneficiary of the subject loan and the successor loan servicer to GMAC Mortgage, LLC, and am authorized to make this verification on its behalf.

6 I have read the foregoing GMAC MORTGAGE, LLC'S RESPONSES TO PLAINTIFF  
7 FRANCINE SILVER'S SPECIAL INTERROGATORIES, SET ONE (1) and know its contents. I  
8 am informed and believe that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on this 27<sup>th</sup> day of March 2014, in COPPER, Texas.

By:

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is The Atrium, 19100 Von Karman Avenue, Suite 700, Irvine, CA 92612.

On March 31, 2014, I served the ORIGINAL of the following document(s): GMAC MORTGAGE, LLC'S RESPONSES TO PLAINTIFF FRANCINE SILVER'S SPECIAL INTERROGATORIES, SET ONE (1) on the interested parties in this action as follows:

Ehud Gersten, Esq.  
GERSTEN LAW GROUP  
3115 Fourth Avenue  
San Diego, CA 92103

Attorneys for Plaintiff FRANCINE SILVER  
Telephone: (619) 600-0098  
Email: egersten@gerstenlaw.com

- BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Severson & Werson's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- BY E-MAIL OR ELECTRONIC TRANSMISSION:** By agreement of the parties or by court order, I caused a copy of the document(s) to be sent from e-mail address tjb@severson.com to the persons at the e-mail addresses listed in the Service List. The document(s) were transmitted, and I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- BY FEDEX OVERNIGHT:** I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 31, 2014, at Irvine, California.

RYAN J. BROOKS

1 ROBERT J. GANDY (State Bar No. 225405)  
2 DAVID M. LIU (State Bar No. 216311)  
2 SEVERSON & WERSON  
A Professional Corporation  
3 The Atrium  
19100 Von Karman Avenue, Suite 700  
4 Irvine, California 92612  
Telephone: (949) 442-7110  
5 Facsimile: (949) 442-7118

6 JOHN B. SULLIVAN (State Bar No. 96742)  
7 SEVERSON & WERSON  
A Professional Corporation  
One Embarcadero Center, Suite 2600  
8 San Francisco, California 94111  
Telephone: (415) 398-3344  
9 Facsimile: (415) 956-0439

10 Attorneys for Defendant  
GMAC MORTGAGE, LLC; and  
11 OCWEN LOAN SERVICING, LLC

**SUPERIOR COURT OF CALIFORNIA**

## COUNTY OF LOS ANGELES — WEST DISTRICT

## SANTA MONICA COURTHOUSE

FRANCINE SILVER.

**Plaintiff:**

VS.

18 GMAC MORTGAGE, LLC, a limited liability  
19 company,  
20 Defendant.

**Defendant.**

Case No. SC118412  
Assigned for All Purposes to:  
Hon. Allan J. Goodman  
Dept. WE "P"

**GMAC MORTGAGE, LLC'S  
RESPONSES TO PLAINTIFF FRANCINE  
SILVER'S REQUESTS FOR  
PRODUCTION, SET ONE (1)**

Action Filed: September 17, 2012  
Trial Date: None Set

23 PROPOUNDING PARTY: PLAINTIFF FRANCINE SILVER

24 | RESPONDING PARTY: GMAC MORTGAGE, LLC

25 SET NO.: ONE (1)

26 Pursuant to Code of Civil Procedure sections 2031.210, et seq., Defendant GMAC,

27 MORTGAGE, LLC (“GMAC”) responds to Plaintiff Francine Silver’s Request for Production  
28 of Documents, Set Number One, as follows:

1 Defendant GMAC provides the following responses to plaintiff's First Set of Requests for  
2 Production. In providing these responses, GMAC notes that it has not yet completed discovery in  
3 the referenced action, nor has it completed its investigation regarding the factual basis of  
4 plaintiff's claims. GMAC reserves its right to rely on any information or other evidence which  
5 may develop or come to GMAC attention at a later time. GMAC's objections and reservations as  
6 set forth herein are made without prejudice to GMAC's right to assert any additional or  
7 supplemental objections or reservations should GMAC discover additional grounds for such  
8 objections or reservations.

9 By making these responses, GMAC does not concede that the matters stated in its  
10 responses are properly discoverable or admissible, and reserves its right to object to further  
11 discovery into such matters and to the introduction of these responses into evidence.

## GENERAL OBJECTIONS

13 GMAC makes the following general objections to each Request for Production. The  
14 assertion of the same, similar, or additional objections or the provision of a response to these  
15 Requests for Production waives none of GMAC's objections as set forth below:

16        1.      GMAC objects to each Request for Production to the extent that it purports to  
17 impose any burden or obligation in excess of the requirements of the discovery provisions of the  
18 California Code of Civil Procedure.

19       2.     GMAC objects to each Request for Production to the extent it is unduly  
20 burdensome, annoying, harassing, oppressive, over-broad, seeks information neither relevant to  
21 the subject matter of the action nor reasonably calculated to lead to the discovery of admissible  
22 evidence and exceeds the bounds of the legitimate purposes of discovery.

23       3.       GMAC objects to each and every Request for Production to the extent it seeks  
24 information protected by any applicable privilege, including, without limitation, the attorney-client  
25 privilege or the work product doctrine. GMAC reserves the right to object at any time before or at  
26 trial to the introduction into evidence or the use of any privileged information that has been  
27 revealed or produced inadvertently.

1       4. GMAC objects to the Requests for Production, and to each one individually, to the  
2 extent it purports to require the disclosure of the content and/or basis of expert consultants'  
3 investigations, or expert testimony which GMAC intends to offer in this action. No mutual  
4 disclosure of experts has taken place, and GMAC has not yet determined which experts will testify at  
5 the trial on its behalf.

6       5. GMAC further objects to each and every Request for Production to the extent it  
7 seeks information known to plaintiff, plaintiff's agents, or other business entities owned or  
8 controlled by plaintiff or its agents, or equally available to plaintiff.

9       6. By making these responses, GMAC does not concede that any information given is  
10 properly discoverable or admissible. GMAC expressly reserves the right to object to further  
11 discovery into the subject matter encompassed by the Requests for Production and to object to the  
12 introduction into evidence of these responses. GMAC further expressly reserves the right to rely  
13 on any further, additional or different facts, documents or other information which may develop or  
14 come to its attention. GMAC responses as set forth herein are made without prejudice to GMAC's  
15 right to assert additional responses or grounds for objections.

16       7. GMAC objects to each and every Request for Production on the grounds that  
17 discovery is not complete in this action. To the extent that plaintiff requests "all" information,  
18 GMAC will make a good faith determination of, and review, the information which is likely to be  
19 responsive. To the extent that plaintiff requests GMAC to disclose information from all sources,  
20 GMAC objects on the grounds that such a request is unduly burdensome and/or expensive, taking  
21 into account the needs of the case and the limitations on the parties' resources.

22       8. Each of these objections is incorporated into GMAC's responses to each of the  
23 Requests for Production below as if fully set forth therein.

24  
25  
26  
27  
28

1                   **DOCUMENTS TO BE PRODUCED AND RESPONSES**

2                   **REQUEST FOR PRODUCTION NO. 1:**

3                   All WRITINGS regarding or relating to THE PROPERTY.

4                   **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

5                   Responding party objects to the extent the request seeks information protected by the  
6 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
7 that the request seeks information that is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Responding party further objects that the request seeks documents protected  
9 and privileged under the laws of the United States or the State of California, including without  
10 limitation, documents that are privileged based on any consumer's right of privacy and responding  
11 party's confidential and proprietary business and trade information which are protectable as trade  
12 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

13                  Subject to and without waiving the foregoing objections, responding party responds that it  
14 will produce all relevant non-privileged documents in its possession, custody or control.

15                  **REQUEST FOR PRODUCTION NO. 2:**

16                  All WRITINGS regarding or relating to any interest YOU have or previously had in THE  
17 PROPERTY.

18                  **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

19                  Responding party objects to the extent the request seeks information protected by the  
20 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
21 that the request seeks information that is not reasonably calculated to lead to the discovery of  
22 admissible evidence. Responding party further objects that the request seeks documents protected  
23 and privileged under the laws of the United States or the State of California, including without  
24 limitation, documents that are privileged based on any consumer's right of privacy and responding  
25 party's confidential and proprietary business and trade information which are protectable as trade  
26 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

27                  Subject to and without waiving the foregoing objections, responding party responds that it  
28 will produce all relevant non-privileged documents in its possession, custody or control.

1 **REQUEST FOR PRODUCTION NO. 3:**

2 All WRITINGS regarding or relating to any interest OCWEN has or previously had in  
3 THE PROPERTY.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

5 Responding party objects to the extent the request seeks information protected by the  
6 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
7 that the request seeks information that is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Responding party further objects that the request seeks documents protected  
9 and privileged under the laws of the United States or the State of California, including without  
10 limitation, documents that are privileged based on any consumer's right of privacy and responding  
11 party's confidential and proprietary business and trade information which are protectable as trade  
12 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

13 Subject to and without waiving the foregoing objections, responding party responds that it  
14 will produce all relevant non-privileged documents in its possession, custody or control.

15 **REQUEST FOR PRODUCTION NO. 4:**

16 All WRITINGS regarding or relating to THE NOTE.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

18 Responding party objects to the extent the request seeks information protected by the  
19 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
20 that the request seeks information that is not reasonably calculated to lead to the discovery of  
21 admissible evidence. Responding party further objects that the request seeks documents protected  
22 and privileged under the laws of the United States or the State of California, including without  
23 limitation, documents that are privileged based on any consumer's right of privacy and responding  
24 party's confidential and proprietary business and trade information which are protectable as trade  
25 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

26 Subject to and without waiving the foregoing objections, responding party responds that it  
27 will produce all relevant non-privileged documents in its possession, custody or control.

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1 **REQUEST FOR PRODUCTION NO. 5:**

2 All WRITINGS regarding or relating to any interest YOU have or previously had in THE  
3 NOTE.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

5 Responding party objects to the extent the request seeks information protected by the  
6 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
7 that the request seeks information that is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Responding party further objects that the request seeks documents protected  
9 and privileged under the laws of the United States or the State of California, including without  
10 limitation, documents that are privileged based on any consumer's right of privacy and responding  
11 party's confidential and proprietary business and trade information which are protectable as trade  
12 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

13 Subject to and without waiving the foregoing objections, responding party responds that it  
14 will produce all relevant non-privileged documents in its possession, custody or control.

15 **REQUEST FOR PRODUCTION NO. 6:**

16 All WRITINGS regarding or relating to any interest OCWEN has or previously had in  
17 THE NOTE.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

2        Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence. Responding party further objects that the request seeks documents protected  
6 and privileged under the laws of the United States or the State of California, including without  
7 limitation, documents that are privileged based on any consumer's right of privacy and responding  
8 party's confidential and proprietary business and trade information which are protectable as trade  
9 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

10        Subject to and without waiving the foregoing objections, responding party responds that it  
11 will produce all relevant non-privileged documents in its possession, custody or control.

12 **REQUEST FOR PRODUCTION NO. 7:**

13        All WRITINGS regarding or relating to any lien on THE PROPERTY.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

15        Responding party objects to the extent the request seeks information protected by the  
16 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
17 that the request seeks information that is not reasonably calculated to lead to the discovery of  
18 admissible evidence. Responding party further objects that the request seeks documents protected  
19 and privileged under the laws of the United States or the State of California, including without  
20 limitation, documents that are privileged based on any consumer's right of privacy and responding  
21 party's confidential and proprietary business and trade information which are protectable as trade  
22 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

23        Subject to and without waiving the foregoing objections, responding party responds that it  
24 will produce all relevant non-privileged documents in its possession, custody or control.

25 **REQUEST FOR PRODUCTION NO. 8:**

26        All WRITINGS regarding or relating to any COMMUNICATION between YOU and  
27 SILVER and/or anyone acting on behalf of SILVER.

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence. Responding party further objects that the request seeks documents protected  
6 and privileged under the laws of the United States or the State of California, including without  
7 limitation, documents that are privileged based on any consumer's right of privacy and responding  
8 party's confidential and proprietary business and trade information which are protectable as trade  
9 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

10 Subject to and without waiving the foregoing objections, responding party responds that it  
11 will produce all relevant non-privileged documents in its possession, custody or control.

12 **REQUEST FOR PRODUCTION NO. 9:**

13 All WRITINGS regarding or relating to any COMMUNICATION between YOU and  
14 OCWEN regarding or relating to THE PROPERTY, including communications regarding or  
15 relating to THE NOTE or the corresponding lien on THE PROPERTY.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence. Responding party further objects that the request seeks documents protected  
6 and privileged under the laws of the United States or the State of California, including without  
7 limitation, documents that are privileged based on any consumer's right of privacy and responding  
8 party's confidential and proprietary business and trade information which are protectable as trade  
9 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

10 Subject to and without waiving the foregoing objections, responding party respond that  
11 responding party has made a diligent search and reasonable inquiry in an effort to locate the  
12 requested document but responding party is not able to comply as the documents have never  
13 existed.

14 **REQUEST FOR PRODUCTION NO. 10:**

15 All WRITINGS regarding or relating to any COMMUNICATION between YOU and  
16 MERS regarding or relating to THE PROPERTY, including communications regarding or relating  
17 to THE NOTE or the corresponding lien on THE PROPERTY.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

19 Responding party objects to the extent the request seeks information protected by the  
20 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
21 that the request seeks information that is not reasonably calculated to lead to the discovery of  
22 admissible evidence. Responding party further objects that the request seeks documents protected  
23 and privileged under the laws of the United States or the State of California, including without  
24 limitation, documents that are privileged based on any consumer's right of privacy and responding  
25 party's confidential and proprietary business and trade information which are protectable as trade  
26 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

27 Subject to and without waiving the foregoing objections, responding party respond that  
28 responding party has made a diligent search and reasonable inquiry in an effort to locate the

1 requested document but responding party is not able to comply as the documents have never  
2 existed.

3 **REQUEST FOR PRODUCTION NO. 11:**

4 All WRITINGS regarding or relating to any COMMUNICATION between YOU and any  
5 other person or entity, including internal COMMUNICATIONS, regarding or relating to THE  
6 PROPERTY, including communications regarding or relating to THE NOTE or the corresponding  
7 lien on THE PROPERTY.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

9 Responding party objects to the extent the request seeks information protected by the  
10 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
11 that the request seeks information that is not reasonably calculated to lead to the discovery of  
12 admissible evidence. Responding party further objects that the request seeks documents protected  
13 and privileged under the laws of the United States or the State of California, including without  
14 limitation, documents that are privileged based on any consumer's right of privacy and responding  
15 party's confidential and proprietary business and trade information which are protectable as trade  
16 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

17 **REQUEST FOR PRODUCTION NO. 12:**

18 All WRITINGS regarding or relating to any attempts by YOU to record in the public  
19 record any interest YOU hold or previously held in THE PROPERTY.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

2        Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence. Responding party further objects that the request seeks documents protected  
6 and privileged under the laws of the United States or the State of California, including without  
7 limitation, documents that are privileged based on any consumer's right of privacy and responding  
8 party's confidential and proprietary business and trade information which are protectable as trade  
9 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

10       Subject to and without waiving the foregoing objections, responding party responds that it  
11 will produce all relevant non-privileged documents in its possession, custody or control.

12 **REQUEST FOR PRODUCTION NO. 13:**

13       All WRITINGS regarding or relating to any attempts by YOU to record in the public  
14 record any interest any other person or entity holds or previously held in THE PROPERTY.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

16       Responding party objects to the extent the request seeks information protected by the  
17 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
18 that the request seeks information that is not reasonably calculated to lead to the discovery of  
19 admissible evidence. Responding party further objects that the request seeks documents protected  
20 and privileged under the laws of the United States or the State of California, including without  
21 limitation, documents that are privileged based on any consumer's right of privacy and responding  
22 party's confidential and proprietary business and trade information which are protectable as trade  
23 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

24 **REQUEST FOR PRODUCTION NO. 14:**

25       All WRITINGS regarding or relating to any attempts by YOU to record in the public  
26 record the transfer of any interest in THE PROPERTY from or to YOU or any other person or  
27 entity.

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence. Responding party further objects that the request seeks documents protected  
6 and privileged under the laws of the United States or the State of California, including without  
7 limitation, documents that are privileged based on any consumer's right of privacy and responding  
8 party's confidential and proprietary business and trade information which are protectable as trade  
9 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

10 Subject to and without waiving the foregoing objections, responding party responds that it  
11 will produce all relevant non-privileged documents in its possession, custody or control.

12 **REQUEST FOR PRODUCTION NO. 15:**

13 All WRITINGS which YOU contend support one or more of YOUR affirmative defenses  
14 to the claims in this case.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

16 Responding party objects to the extent the request seeks information protected by the  
17 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
18 that the request seeks information that is not reasonably calculated to lead to the discovery of  
19 admissible evidence. Responding party further objects that the request seeks documents protected  
20 and privileged under the laws of the United States or the State of California, including without  
21 limitation, documents that are privileged based on any consumer's right of privacy and responding  
22 party's confidential and proprietary business and trade information which are protectable as trade  
23 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

24 Subject to and without waiving the foregoing objections, responding party responds that it  
25 will produce all relevant non-privileged documents in its possession, custody or control.

26 **REQUEST FOR PRODUCTION NO. 16:**

27 All WRITINGS regarding or relating to any insurance agreement covering or potentially  
28 covering the claims and damages at issue in this case.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence. Responding party further objects that the request seeks documents protected  
6 and privileged under the laws of the United States or the State of California, including without  
7 limitation, documents that are privileged based on any consumer's right of privacy and responding  
8 party's confidential and proprietary business and trade information which are protectable as trade  
9 secrets. Responding party further objects that the request is vague, ambiguous and unintelligible.

10 Subject to and without waiving the foregoing objections, responding party respond that  
11 responding party has made a diligent search and reasonable inquiry in an effort to locate the  
12 requested document but responding party is not able to comply as the documents have never  
13 existed.

14

15 DATED: March 31, 2014

SEVERSON & WERSON  
A Professional Corporation

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17

18 By: 

19 DAVID M. LIU

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21

Attorneys for Defendant  
GMAC MORTGAGE, LLC; and  
OCWEN LOAN SERVICING, LLC

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## VERIFICATION

I, Kyle Lucas, am a Senior Loan Analyst employed by Ocwen Financial Corporation, whose indirect subsidiary is Ocwen Loan Servicing, LLC, which is the current servicer for the beneficiary of the subject loan and the successor loan servicer to GMAC Mortgage, LLC, and am authorized to make this verification on its behalf.

I have read the foregoing **GMAC MORTGAGE, LLC'S RESPONSES TO PLAINTIFF FRANCINE SILVER'S REQUESTS FOR PRODUCTION, SET ONE (I)** and know its contents. I am informed and believe that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on this 27<sup>th</sup> day of March 2014, in COPPERAS CREEK, Texas.

By:

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is The Atrium, 19100 Von Karman Avenue, Suite 700, Irvine, CA 92612.

On March 31, 2014, I served the ORIGINAL of the following document(s): GMAC MORTGAGE, LLC'S RESPONSES TO PLAINTIFF FRANCINE SILVER'S REQUESTS FOR PRODUCTION, SET ONE (I) on the interested parties in this action as follows:

Ehud Gersten, Esq.  
**GERSTEN LAW GROUP**  
3115 Fourth Avenue  
San Diego, CA 92103

Attnorneys for Plaintiff FRANCINE SILVER  
Telephone: (619) 600-0098  
Email: egersten@gerstenlaw.com

- BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Severson & Werson's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- BY E-MAIL OR ELECTRONIC TRANSMISSION:** By agreement of the parties or by court order, I caused a copy of the document(s) to be sent from e-mail address rjb@severson.com to the persons at the e-mail addresses listed in the Service List. The document(s) were transmitted, and I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- BY FEDEX OVERNIGHT:** I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 31, 2014, at Irvine, California.

RYAN J. BROOKS

1 ROBERT J. GANDY (State Bar No. 225405)  
2 DAVID M. LIU (State Bar No. 216311)  
3 SEVERSON & WERSON  
A Professional Corporation  
4 The Atrium  
19100 Von Karman Avenue, Suite 700  
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7 SEVERSON & WERSON  
A Professional Corporation  
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8 San Francisco, California 94111  
Telephone: (415) 398-3344  
9 Facsimile: (415) 956-0439

10 Attorneys for Defendant  
GMAC MORTGAGE, LLC; and  
11 OCWEN LOAN SERVICING, LLC

**SUPERIOR COURT OF CALIFORNIA**

## COUNTY OF LOS ANGELES — WEST DISTRICT

## SANTA MONICA COURTHOUSE

FRANCINE SILVER,

**Plaintiff.**

vs.

19 GMAC MORTGAGE, LLC, a limited liability  
company,  
20 Defendant.

Defendant.

Case No. SC118412  
Assigned for All Purposes to:  
Hon. Allan J. Goodman  
Dept. WE "P"

**GMAC MORTGAGE, LLC'S  
RESPONSES TO PLAINTIFF FRANCINE  
SILVER'S REQUESTS FOR  
ADMISSIONS, SET ONE (1)**

Action Filed: September 17, 2012  
Trial Date: None Set

23 | PROPOUNDING PARTY: PLAINTIFF FRANCINE SILVER

24 | RESPONDING PARTY: GMAC MORTGAGE, LLC

25 | SET NO.: ONE (1)

26 Pursuant to Code of Civil Procedure section 2033.210, et seq., Defendant GMAC,

27 MORTGAGE, LLC responds to plaintiff Francine Silver's First Set of Requests for Admissions as  
28 follows.

## **GENERAL OBJECTIONS**

2           1. These responses are made solely for the purpose of this action. Each response is  
3 subject to all objections as to competence, relevance, materiality, propriety, admissibility and any  
4 and all other objections on grounds that would require the exclusion of any statement herein if any  
5 request for admission were asked for, or if any statement contained herein were made by a witness  
6 present and testifying in court, all of which objections and grounds are reserved and may be  
7 interposed at the time of the trial.

8       2. Defendants are responding to all of the requests for admission to the extent that  
9 information has become known to them. However, defendants' discovery, investigation and  
10 preparation for trial of this matter has not been completed as of the date of these responses and,  
11 therefore, defendants do not purport to state anything more than information currently known to  
12 them. Defendants reserve the right to supplement or amend their responses if additional  
13 information is discovered or located.

14       3. Defendants object to each and every request on the ground pursuant to Code of  
15 Civil Procedure section 2033.060(c), (d) no preface or instructions are permitted and each request  
16 shall be “separately set forth” and shall be “full and complete in and of itself.” Plaintiff’s use of  
17 definitions makes most if not all requests so vague and ambiguous that defendants are unable to  
18 admit or deny such request.

19           4. These General Objections are incorporated into each and every response set forth  
20 below.

Without waiving the foregoing objections, defendants respond to the requests for admission as set forth below.

**23 | REQUEST FOR ADMISSION NO. 1:**

24 Admit that SILVER is the fee owner of THE PROPERTY.

**25 | RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

26 Responding party objects to the extent the request seeks information protected by the  
27 attorney-client privilege and the attorney work product doctrine. Responding party further objects

1 that the request seeks information that is not reasonably calculated to lead to the discovery of  
2 admissible evidence.

3 Subject to and without waiving the foregoing objections, responding party responds as  
4 follows: Deny.

5 **REQUEST FOR ADMISSION NO. 2:**

6 Admit that at some time in or about 2006, THE NOTE became an asset of THE TRUST.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

8 Responding party objects to the extent the request seeks information protected by the  
9 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
10 that the request seeks information that is not reasonably calculated to lead to the discovery of  
11 admissible evidence.

12 Subject to and without waiving the foregoing objections, responding party responds as  
13 follows: Deny.

14 **REQUEST FOR ADMISSION NO. 3:**

15 Admit that the Trustee of THE TRUST has at all times been U.S. Bank, N.A.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

17 Responding party objects to the extent the request seeks information protected by the  
18 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
19 that the request seeks information that is not reasonably calculated to lead to the discovery of  
20 admissible evidence.

21 Subject to and without waiving the foregoing objections, responding party responds as  
22 follows: Deny.

23 **REQUEST FOR ADMISSION NO. 4:**

24 Admit that under the Pooling Agreement associated with THE TRUST, after the closing  
25 date of THE TRUST (on or about November 30, 2006) U.S. Bank, N.A. did not have the power to  
26 transfer THE NOTE.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

28 Responding party objects to the extent the request seeks information protected by the  
attorney-client privilege and the attorney work product doctrine. Responding party further objects

1 that the request seeks information that is not reasonably calculated to lead to the discovery of  
2 admissible evidence.

3 Subject to and without waiving the foregoing objections, responding party responds as  
4 follows: Deny.

5 **REQUEST FOR ADMISSION NO. 5:**

6 Admit that under New York law, after the closing date of THE TRUST (on or about  
7 November 30, 2006) U.S. Bank, N.A. did not have the power to transfer THE NOTE.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

9 Responding party objects to the extent the request seeks information protected by the  
10 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
11 that the request seeks information that is not reasonably calculated to lead to the discovery of  
12 admissible evidence.

13 Subject to and without waiving the foregoing objections, responding party responds as  
14 follows: Deny.

15 **REQUEST FOR ADMISSION NO. 6:**

16 Admit that, with respect to THE PROPERTY, YOU acted as the agent of OCWEN.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

18 Responding party objects to the extent the request seeks information protected by the  
19 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
20 that the request seeks information that is not reasonably calculated to lead to the discovery of  
21 admissible evidence.

22 Subject to and without waiving the foregoing objections, responding party responds as  
23 follows: Deny.

24 **REQUEST FOR ADMISSION NO. 7:**

25 Admit that, with respect to THE PROPERTY, OCWEN acted as YOUR agent.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

27 Responding party objects to the extent the request seeks information protected by the  
28 attorney-client privilege and the attorney work product doctrine. Responding party further objects

1 that the request seeks information that is not reasonably calculated to lead to the discovery of  
2 admissible evidence.

3 Subject to and without waiving the foregoing objections, responding party responds as  
4 follows: Deny.

5 **REQUEST FOR ADMISSION NO. 8:**

6 Admit that on or about March 15, 2006, SILVER executed THE NOTE in favor of  
7 NATIONWIDE.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

9 Responding party objects to the extent the request seeks information protected by the  
10 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
11 that the request seeks information that is not reasonably calculated to lead to the discovery of  
12 admissible evidence.

13 Subject to and without waiving the foregoing objections, responding party responds as  
14 follows: Admit.

15 **REQUEST FOR ADMISSION NO. 9:**

16 Admit that the deed of trust executed in connection with THE NOTE defines the "Lender"  
17 as NATIONWIDE

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

19 Responding party objects to the extent the request seeks information protected by the  
20 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
21 that the request seeks information that is not reasonably calculated to lead to the discovery of  
22 admissible evidence.

23 Subject to and without waiving the foregoing objections, responding party responds as  
24 follows: Admit.

25 **REQUEST FOR ADMISSION NO. 10:**

26 Admit that the deed of trust executed in connection with THE NOTE defines the "Trustee"  
27 as MERS, "solely as nominee for Lender and Lender's successors and assigns."

28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence.

6 Subject to and without waiving the foregoing objections, responding party responds as  
7 follows: Admit.

8 **REQUEST FOR ADMISSION NO. 11:**

9 Admit that, prior to SILVER's filing of bankruptcy on or about November 14, 2011, YOU  
10 had never provided to SILVER a copy of the instrument by which YOU assert that YOU acquired  
11 an interest in THE NOTE.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

13 Responding party objects to the extent the request seeks information protected by the  
14 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
15 that the request seeks information that is not reasonably calculated to lead to the discovery of  
16 admissible evidence.

17 Subject to and without waiving the foregoing objections, responding party responds as  
18 follows: Deny.

19 **REQUEST FOR ADMISSION NO. 12:**

20 Admit that, prior to SILVER's filing of bankruptcy on or about November 14, 2011, YOU  
21 had never informed SILVER that YOU claimed an interest in THE NOTE.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

23 Responding party objects to the extent the request seeks information protected by the  
24 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
25 that the request seeks information that is not reasonably calculated to lead to the discovery of  
26 admissible evidence.

27 Subject to and without waiving the foregoing objections, responding party responds as  
28 follows: Deny.

1 **REQUEST FOR ADMISSION NO. 13:**

2 Admit that YOU assert that YOU are now the "invstor," the "owner," or otherwise hold an  
3 interest in, THE NOTE.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

5 Responding party objects to the extent the request seeks information protected by the  
6 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
7 that the request seeks information that is not reasonably calculated to lead to the discovery of  
8 admissible evidence.

9 Subject to and without waiving the foregoing objections, responding party responds as  
10 follows: Deny.

11 **REQUEST FOR ADMISSION NO. 14:**

12 Admit that YOU are not the current holder of the beneficial interest in THE NOTE or the  
13 associated deed of trust.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

15 Responding party objects to the extent the request seeks information protected by the  
16 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
17 that the request seeks information that is not reasonably calculated to lead to the discovery of  
18 admissible evidence.

19 Subject to and without waiving the foregoing objections, responding party responds as  
20 follows: Admit.

21 **REQUEST FOR ADMISSION NO. 15:**

22 Admit that MERS had no record of Plaintiff's loan in its database prior to February 11,  
23 2011.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

25 Responding party objects to the extent the request seeks information protected by the  
26 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
27 that the request seeks information that is not reasonably calculated to lead to the discovery of  
28 admissible evidence.

1       Subject to and without waiving the foregoing objections, responding party responds as  
2 follows: Deny.

3 **REQUEST FOR ADMISSION NO. 16:**

4       Admit that no substitution of trustee (on the deed of trust associated with THE NOTE)  
5 from MERS to any other person or entity, if such transfer or transfers occurred, was recorded in  
6 the public records prior to the filing of SILVER'S bankruptcy on November 14, 2011.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

8       Responding party objects to the extent the request seeks information protected by the  
9 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
10 that the request seeks information that is not reasonably calculated to lead to the discovery of  
11 admissible evidence.

12       Subject to and without waiving the foregoing objections, responding party responds as  
13 follows: Deny.

14 **REQUEST FOR ADMISSION NO. 17:**

15       Admit that no transfer of the beneficial interest (on the deed of trust associated with THE  
16 NOTE) from NATIONWIDE to any other person or entity, if such transfer or transfers occurred,  
17 was recorded in the public records prior to the filing of SILVER'S bankruptcy on November 14,  
18 2011.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

20       Responding party objects to the extent the request seeks information protected by the  
21 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
22 that the request seeks information that is not reasonably calculated to lead to the discovery of  
23 admissible evidence.

24       Subject to and without waiving the foregoing objections, responding party responds as  
25 follows: Deny.

26 **REQUEST FOR ADMISSION NO. 18:**

27       Admit that on February 23, 2012, Bankruptcy Judge Thomas B. Donovan denied YOUR  
28 request for relief from the automatic stay in SILVER's bankruptcy.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

2 Responding party objects to the extent the request seeks information protected by the  
3 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
4 that the request seeks information that is not reasonably calculated to lead to the discovery of  
5 admissible evidence.

6 Subject to and without waiving the foregoing objections, responding party responds as  
7 follows: Admit.

8 **REQUEST FOR ADMISSION NO. 19:**

9 Admit that on February 23, 2012, Bankruptcy Judge Thomas B. Donovan found that at  
10 least one of the purported signatures of "Jacqueline Keeley" (on 1) the purported assignment of the  
11 deed of trust associated with THE NOTE from MERS to GMAC; and 2) the purported substitution  
12 of trustee substituting ETS Services, LLC as trustee on the deed of trust) was either forged or was  
13 "a blatant example of robo-signing."

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

15 Responding party objects to the extent the request seeks information protected by the  
16 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
17 that the request seeks information that is not reasonably calculated to lead to the discovery of  
18 admissible evidence.

19 Subject to and without waiving the foregoing objections, responding party responds as  
follows: Deny.

20 **REQUEST FOR ADMISSION NO. 20:**

21 Admit that on February 23, 2012, Bankruptcy Judge Thomas B. Donovan found that YOU  
22 had failed to demonstrate standing to seek relief from the automatic stay in order to foreclose on  
23 THE PROPERTY.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

25 Responding party objects to the extent the request seeks information protected by the  
26 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
27 that the request seeks information that is not reasonably calculated to lead to the discovery of  
28 admissible evidence.

1 Subject to and without waiving the foregoing objections, responding party responds as  
2 follows: Deny.

3 **REQUEST FOR ADMISSION NO. 21:**

4 Admit that YOUR residential loan foreclosure problems are the subject of an April 2011  
5 Federal Reserve Board Consent Order, available at  
6 <<http://www.federalreservc.govinewsevents/pressienforeementienf20110413a3.pdf>>, which  
7 requires that independent auditors review foreclosures.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

9 Responding party objects to the extent the request seeks information protected by the  
10 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
11 that the request seeks information that is not reasonably calculated to lead to the discovery of  
12 admissible evidence.

13 Subject to and without waiving the foregoing objections, responding party responds as  
14 follows: Deny.

15 **REQUEST FOR ADMISSION NO. 22:**

16 Admit that no party other than YOU filed in SILVER's bankruptcy case any claim against  
17 or regarding THE PROPERTY.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

19 Responding party objects to the extent the request seeks information protected by the  
20 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
21 that the request seeks information that is not reasonably calculated to lead to the discovery of  
22 admissible evidence.

23 Subject to and without waiving the foregoing objections, responding party responds as  
24 follows: Deny.

25 **REQUEST FOR ADMISSION NO. 23:**

26 Admit that at no time on February 6, 2012, did YOU own servicing rights to THE NOTE.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

28 Responding party objects to the extent the request seeks information protected by the  
attorney-client privilege and the attorney work product doctrine. Responding party further objects

1 that the request seeks information that is not reasonably calculated to lead to the discovery of  
2 admissible evidence.

3 Subject to and without waiving the foregoing objections, responding party responds as  
4 follows: Deny.

5 **REQUEST FOR ADMISSION NO. 24:**

6 Admit that YOU purported to assign all beneficial interest in the deed of trust associated  
7 with THE NOTE to "U.S. Bank National Association, as Trustee for Greenpoint Mortgage  
8 Funding Trust Mortgage Pass-Through Certificates, Series 2006-AR7" via a document dated  
9 March 25, 2013, titled "Assignment of Deed of Trust," and executed by a person signing as "Keli  
10 D. Smith, Authorized Officer."

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

12 Responding party objects to the extent the request seeks information protected by the  
13 attorney-client privilege and the attorney work product doctrine. Responding party further objects  
14 that the request seeks information that is not reasonably calculated to lead to the discovery of  
15 admissible evidence.

16 Subject to and without waiving the foregoing objections, responding party responds as  
17 follows: Admit.

18 DATED: March 31, 2014

19 SEVERSON & WERSON  
A Professional Corporation

20 By:

21   
DAVID M. LIU

22  
23 Attorneys for Defendant  
24 GMAC MORTGAGE, LLC; and  
25 OCWEN LOAN SERVICING, LLC

## **VERIFICATION**

I, Jill Kuehner, am a Senior Loan Analyst employed by Ocwen Financial Corporation, whose indirect subsidiary is Ocwen Loan Servicing, LLC, which is the current servicer for the beneficiary of the subject loan and the successor loan servicer to GMAC Mortgage, LLC, and am authorized to make this verification on its behalf.

6 I have read the foregoing GMAC MORTGAGE, LLC'S RESPONSES TO PLAINTIFF  
7 FRANCINE SILVER'S REQUESTS FOR ADMISSIONS, SET ONE (1) and know its contents. I  
8 am informed and believe that the matters stated therein are true.

9        I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct and that this verification was executed on this 27<sup>th</sup> day of March  
11 2014, in Copperas Cove, Texas.

By:

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is The Atrium, 19100 Von Karman Avenue, Suite 700, Irvine, CA 92612.

On March 31, 2014, I served the ORIGINAL of the following document(s): GMAC MORTGAGE, LLC'S RESPONSES TO PLAINTIFF FRANCINE SILVER'S REQUESTS FOR ADMISSIONS, SET ONE (1) on the interested parties in this action as follows:

6 Ehud Gersten, Esq.  
GERSTEN LAW GROUP  
7 3115 Fourth Avenue  
San Diego, CA 92103

Attorneys for Plaintiff FRANCINE SILVER  
Telephone: (619) 600-0098  
Email: egersten@gerstenlaw.com

- BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Severson & Werson's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- BY E-MAIL OR ELECTRONIC TRANSMISSION:** By agreement of the parties or by court order, I caused a copy of the document(s) to be sent from e-mail address rjb@severson.com to the persons at the e-mail addresses listed in the Service List. The document(s) were transmitted, and I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- BY FEDEX OVERNIGHT:** I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 31, 2014, at Irvine, California.

RYAN J. BROOKS